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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PHYLLIS M. LEWIS,)	CASE NO. 5:15-CV-01199
)	
Plaintiff,)	[PROPOSED] ORDER ON MOTION TO
)	VACATE JUDGMENT AND
v.)	MOTION TO DISMISS
)	
UNITED STATES POST OFFICE,)	
)	
Defendant.)	
)	

Plaintiff is a former United States Postal Service employee. She filed a small claims complaint against United States Postal Service ("USPS"), claiming that she was not paid for some of her vacation time that had accrued before her termination. USPS did not appear at the small claims hearing, and the small claims judge awarded Plaintiff \$275.40, plus costs. After learning of the small claims judgment, USPS removed this case to this Court. On March 12, 2015, USPS sent Plaintiff her final check via Certified Mail for \$275.40, less taxes, for a net amount of \$185.49. Scharf Decl. at 7.

On March 13, 2015, USPS moved to vacate the underlying small claims judgment pursuant to Rule 60(b)(4), contending that the United States Attorney's Office was not served with the small claims complaint as required by Rule 4(i)(1)(A)(i)(ii). Document 4. Along with its motion to vacate judgment,

1 USPS also moved to dismiss this action pursuant to Rule 12(b)(1) on grounds of mootness, contending
2 that Plaintiff has now been paid in full. Document 4.

3 On March 27, 2015, USPS filed a Statement of Nonopposition on behalf of Plaintiff. USPS
4 attached to the Statement of Nonopposition an e-mail from Plaintiff to defense counsel dated March 27,
5 2015, stating: "Dear Magistrate Judge Grewal: I now consider this matter resolved." Document 11.

6 For the reasons set forth in USPS's unopposed motion to vacate judgment and unopposed motion
7 to dismiss, the Court hereby vacates the small claims judgment on grounds of imperfect service and
8 dismisses this action on grounds of mootness.¹

9 IT IS SO ORDERED.

10 Dated: April 1, 2015

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12 Hon. Paul S. Grewal
13 United States Magistrate Judge
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28 ¹The Court notes that USPS served Plaintiff with a copy of this Proposed Order, and that Plaintiff has not filed any objection to its issuance.